

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HENRY JOSEPH JAQUEZ,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-11-1406-F
)	
JUSTIN JONES, et al.,)	
)	
Defendants.)	

ORDER


On February 28, 2013, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation (doc. no. 59), wherein she recommended that defendants' motion for summary judgment (doc. no. 33) be granted. Magistrate Judge Mitchell determined that defendants have affirmatively established that plaintiff failed to properly exhaust his administrative remedies prior to the filing of this lawsuit. In the Report and Recommendation, Magistrate Judge Mitchell advised the parties of their right to file an objection to the Report and Recommendation by March 20, 2013 and that failure to make timely objection to the Report and Recommendation waives the right to appellate review of both the factual and legal issues therein contained.

To date, no objection has been filed. With no objection being filed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell on February 28, 2013 (doc. no. 59) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Defendants' Motion for Summary

Judgment (doc. no. 33) is **GRANTED**. In light of the court's ruling, defendants' Motion to Dismiss (doc. no. 33) is **DENIED** as **MOOT**.

DATED March 29, 2013.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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